



MONTANA SECRETARY OF STATE

LINDA McCULLOCH

EXHIBIT #7
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FILE SB 325

SB 325: Ref. requiring majority vote in general election
House State Admin, RM 455
March 23, 2011 @ 8 AM
Secretary Linda McCulloch's Testimony

- Good morning Madam Chair, members of the committee. For the record, I am Linda McCulloch, Montana Secretary of State.
- I strongly oppose Senate Bill 325 for a number of reasons, but for timing purposes, I have simplified my concerns down to a list of three major issues:
 - It's multimillion-dollar fiscal impact;
 - It's vague and confusing language; and
 - It's potential to diminish voters' confidence in the elections process.
- I shared similar concerns with the 2009 Legislature. The committee agreed this was a bad bill for Montana. I hope you can do the same.
- The sponsor argues this bill is a referendum, and therefore does not have a fiscal impact. That's ignoring reality.
- If this referendum is approved by the voters, it will have a significant fiscal impact on county governments: Potentially more than \$5 million dollars.
- The extent of the cost is dependent on how this bill is implemented – either by requiring **runoff elections** (a second election, or more), or by implementing **"Instant Runoff Voting,"** commonly known as **"Ranked-Choice Voting"** (voters choose ^{1st}, ^{2nd}, ^{3rd}, etc choices among the candidates).

Ranked-Choice Voting Costs:

- For starters, I would like to focus on the cost associated with **Ranked-Choice Voting**.

- The cost in the fiscal note comes from the vendor that supplies the state-certified vote-tabulating equipment to all Montana counties.
 - We explained the bill to the vendor and asked if the counties' machines are compatible - and if not, how much it would cost to implement any proposed requirements.
 - In short, our current vote-tabulating machines have the wrong operating system to do 'Ranked-Choice Voting' or 'Multiple Party Candidate Voting.' **And they cannot be reprogrammed to do that.**
 - Just because I put a piece of paper in my microwave at home, doesn't mean it will fax that paper to my office. No amount of reprogramming on my part will turn my microwave into a fax machine.
 - Purchasing compatible equipment will cost counties and taxpayers roughly **\$5 million**.

Runoff Elections (Special Elections):

- **Runoff elections** held through a **special election** are also costly. Depending on the type of runoff conducted, counties could be looking at nearly **\$2 million in added expenses**. That's the county's cost of a state and federal election. That price goes up if multiple elections are needed to determine a winner.
- Runoffs – no matter how they are run – will require substantial and expensive changes to Montana elections. Right now, **our counties can't afford those changes**.

Other Concerns:

- Another concern I have is the bill's language. It is vague and does not adequately explain how a majority of votes in a general election would be accomplished if no candidate receives the majority.
- In the event a special runoff election is held, **when** would it take place?

- Would our absentee voters or members of the military have enough time to receive and return their ballots? Recall that we are required to make ballots available to military and overseas voters **45 days** in advance of the election.
- Only one thing is for sure: Requiring people to either return to the polls a second time or quickly mail-in additional absentee ballots **will decrease voter turnout**.
 - It would be ironic to hold a second election because a candidate did not receive a majority of votes, and then have less voters participate in that second election. The majority number would keep getting smaller and smaller, and the election would not accurately reflect the true will of every voter who participated in the first election.
- This bill has the potential to **diminish voters' confidence** in the elections process.
 - *****See** sample ballot of ranked-choice voting for a municipal election in Minnesota.
 - Minneapolis, Minnesota has to hand-count all their ballots in their municipal elections as they have similar vote-tabulating machines that we have in Montana, and ran into the same problem we would run into with tabulating equipment.
 - The cost of printing a longer ballot is **not** included in the fiscal note – **nor** is the cost of voter education. Both would be significant costs to counties and to my office.
 - Educating the public about this new method of voting **will not** be a one-time expense. It will need to be on-going. The city of Minneapolis has stressed this to us.
 - A 2008 study in Cary, North Carolina showed that a significant percent of respondents did not understand instant runoff voting before or after voting in the city's first instant runoff vote election.
 - This is despite the city's effort to educate the public and its election workers.

- Interestingly, nationally, Cary, North Carolina has the most Ph.D.s per capita for cities larger than 75,000 people.
- Cary, North Carolina ultimately ditched instant runoff voting – which wasn't the first time a city tried and then rejected this method of administering elections.
- As Montana's Chief Elections Official, it is my duty to ensure elections in Montana accurately reflect the will of the people. **Voter confidence** is an essential part of that equation.
- In my opinion, this bill would turn Montana's simple, fair and accurate elections process into a complicated and questionable mess. **It will also cost taxpayers millions of dollars to implement.**
- I strongly urge you to oppose this bill. We can't afford it.
- Thank you for your time.